

DELEGATED DECISION REPORT

SMD/2021/0203
Valid 24/03/2021

**PEMBERLEY HOUSE AND
FARM SANDY LANE
CAVERSWALL**

**APPLICATION FOR LAWFUL
DEVELOPMENT CERTIFICATE
FOR PROPOSED
OUTBUILDING**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Whether compliant with GPDO(2015) Schedule 2 Part 1 Class E

DESCRIPTION OF SITE

Land associated with detached dwelling previously altered following application SMD/2015/0711 approved in 2016.

Site lies to SW side of the dwelling as shown in the 1:500 site plan in drawing AL(0)400 submitted. This is within an equivalent site red edge to that shown for SMD/2015/0711 on drawing PL(0) 101 listed as one of the approved plans (Site Layout/Location and Roof Plan) – see Fig.1.

PROPOSAL

A detached outbuilding with part flat roof (towards the front) and part dual pitched roof slope. The building would be separated from the main house by a space of 0.98m. The width of the building would be 5m. It would be set back 0.741m rear of the front (principal elevation line) of the main dwelling and would project back 8.5m.

The building is shown in the plans as providing a sun room to the front and 'utility room / laundry room' to the rear. There would be a large lantern style rooflight in the front flat roofed part.

The building would be 3.5m to the roof ridge (pitched roof part) and 2.3m to the eaves (measured in accordance with the Government's published Technical Guidance).

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Refer to GPDO (2015) schedule 2 part 1: Development within the curtilage of a dwellinghouse and Class E of that part: buildings etc incidental to the enjoyment of a dwellinghouse.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2015/0711 – Demolition of existing single storey side extension, erection of a two storey side extension, front porch and replacement single storey rear extension including brick and stone re-skinning of dwelling – approved

SMD/2016/0048 – Retention of alterations to existing garage to form a home office and workshop – approved [This lies elsewhere in the ownership and outside of the dwelling red edge / curtilage.]

CONSULTATIONS

None

OFFICER COMMENTS

Principle of Development

Part 1 Class E permits a building incidental to the enjoyment of a dwellinghouse subject to meeting a series of tests listed at E.1 and relevant to this application these concern whether:

- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (outside of the original dwellinghouse) would exceed 50% of the total area of the curtilage (outside the ground area of the original dwellinghouse);
- (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (d) the building would have more than a single storey;
- (e) the height of the building, enclosure or container would exceed—
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;
- (f) the height of the eaves of the building would exceed 2.5 metres;

Whilst the 2016 approval (ref SMD/2015/0711) included a condition removing certain PD rights (condition 3 removed PD classes A, B, C and D) there is no record of any condition removing Class E rights.

It can be seen from the submitted drawings (see extract at Fig 2) that the proposal lies within land previously accepted as part of the residential planning unit (Fig 1) and which in this case can reasonably be considered part of the curtilage of the dwelling. The proposal would not result in buildings (not taking into account the dwelling) exceeding 50% of the total curtilage.

The proposal does not extend forward of a line corresponding to a continuation of the front or 'principal' elevation of the dwelling; the proposal is single storey; the

proposal does not come to within 2 metres of the boundary of the curtilage although it may come up to a point aligned at 2m from the curtilage; has a dual pitched roof, at least in part, and does not exceed 4m in height; the eaves do not exceed 2.5m.

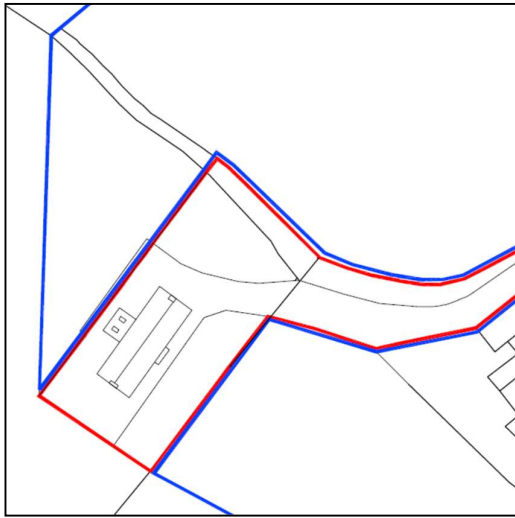


Fig 1 – 2016 approval red edge

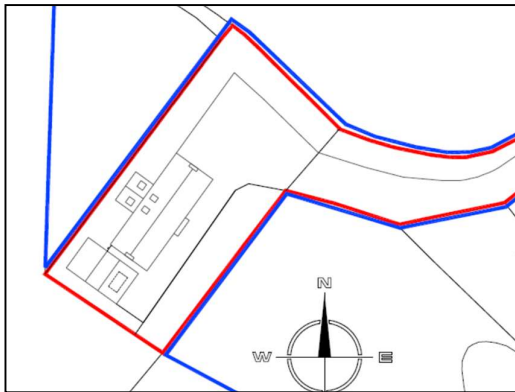


Fig 2 – LDC proposal

Consideration must be given as to whether the qualifying criteria for maximum permissible height are met. Although the building has a dual pitched roof – in part, it is not exclusively dual pitched. If assessed under (e) (iii) the proposal does not meet the criteria as the building has a top height of 3.5m. However, in plain terms this is a building that incorporates a dual pitched roof and thus has a dual pitched roof, albeit only to part. On this basis it can be said to meet test (e) (i).

CONCLUSION / PLANNING BALANCE

Based on the above it can be concluded that the proposal would be lawful as permitted development under Class E of Part 1 in Schedule 2 of the GPDO (2015) and would have been lawful as of the date of the application being submitted.

OFFICER RECOMMENDATION : Issue LDC

Case Officer: Arne Swithenbank

Recommendation Date: 20th December 2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council